

**Alison Merrilees - Re: CA assault weapons - introduction**

**From:** Alison Merrilees  
**To:** Luis Tolley  
**Date:** 5/10/2006 9:43 AM  
**Subject:** Re: CA assault weapons - introduction

Luis,

Hi Luis,

We don't think there is any "taking" issue that would require compensation/registration. We believe that our interpretation of "capacity to accept" is consistent with current law and regulations. We have never given our blessing to any of the temporary fixes that these guys now ASSUME are legal. We are eagerly awaiting a test case on this, because we think we'll win.

The gun guys bragged repeatedly that they could restore their "California legal AR's" to fully functional AW's in a matter of seconds. I don't think a judge or jury would find that such a configuration complies with the letter or the intent of the law.

A few of them clearly are on our side, but I expect them to get worn down and stop speaking up. That does not bother me. They are never going to be happy as long as we say they can't have what they want : AW's that are legal. Our current position is pretty easy to defend. I'm not worried.

>>> Luis Tolley < [REDACTED] 05/09/06 6:46 PM >>>

Hi Alison:

Oh my, I just read through part of the CalGuns thread. The gun guys are upset aren't they. Sounds like you did good.

They may have a point in the question of how a revised definition of "capacity to accept a detachable magazine" impacts weapons that were formerly approved by DOJ. We would not want anything that opens up a new registration process if that process enables them to add features prohibited by SB 23. I'm not quite sure how that all works out.

Luis Tolley  
Project Concern International  
[REDACTED]

----- Original Message -----

**From:** Alison Merrilees  
**To:** Brian Siebel  
**Cc:** Ellyne Bell ; [REDACTED]  
**Sent:** Wednesday, May 10, 2006 6:41 AM  
**Subject:** Re: CA assault weapons - introduction

FYI -

We posted an updated memo on our website today.  
<http://caag.state.ca.us/firearms/forms/pdf/AWpolicyrev4.pdf>

Of course, the gun guys are going nuts about it, <http://www.calguns.net/calgunforum/showthread.php?t=33601>

We feel confident that our plan will hold up to any legal challenges.

>>> Brian Siebel <[REDACTED]> 05/09/06 12:39 PM >>>  
Friday may work better for all concerned. Ellyne is going to try to set  
up a call.

In advance of that, did LCAV prepare a memo for the Attorney General on  
the AW receivers and detachable magazine issues? I'd appreciate reading  
anything you can share with me in advance of our call.

Thank you,

BJS

>>> "Alison Merrilees" <Alison.Merrilees@doj.ca.gov> 5/9/2006 2:43:42  
PM >>>

Thanks, Brian. I look forward to speaking with you. I am available  
on  
Friday at 1 p.m.

I regularly check in with the calguns guys, but had not seen the one  
you sent me. I get a lot of useful information from them, at least to  
the extent that I can tolerate their rantings!

By the way, I am also available today until 1 p.m. our time if you  
want  
to try and catch me today.

Thanks.

Alison

Alison Y. Merrilees  
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California Department of Justice  
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>>> Brian Siebel <[REDACTED]> 05/09/06 11:20 AM >>>

Alison:

I am sending this e-mail by way of introduction. I have been  
receiving  
information from your office by way of Luis Tolley and Ellyne Bell. I  
am a Senior Attorney with the Brady Center, and have been here almost  
ten years. During my tenure, I have been involved extensively with  
the  
assault weapons issue in California. For example, I was involved in  
the

Kasler v. Lungren, Harrott v. County of Kings, and People v. Dingman cases, the 101 California Street lawsuit, and other issues. I also represented the 12 city and county plaintiffs in the municipal gun suit.

You should be aware of some of what is being said on various gun-nut message boards about DOJ's plans. Here is a sample of one such discussion. <http://www.calguns.net/calgunforum/showthread.php?t=33533>

My direct contact information is below. I understand Ellyne is trying to set up a conference call for Friday of this week (I'm traveling tomorrow and Thursday). I look forward to speaking with you on the phone and offering my expertise to the Attorney General.

Sincerely,

Brian J. Siebel  
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Legal Action Project  
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[REDACTED]

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